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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,713	02/07/2002	Adrian L. Faasse JR.	COR21 P-302	3238
7590	10/11/2005		EXAMINER	
Price, Heneveld, Cooper, DeWitt & Litton 695 Kenmoor, S.E. Post Office Box 2567 Grand Rapids, MI 49501			LEWIS, KIM M	
			ART UNIT	PAPER NUMBER
			3743	

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

TW

Office Action Summary	Application No.	Applicant(s)	
	10/071,713	FAASSE, ADRIAN L.	
	Examiner	Art Unit	
	Kim M. Lewis	3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-34 and 36-41 is/are pending in the application.
- 4a) Of the above claim(s) 10-24 and 36-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 25-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Detailed Action.

DETAILED ACTION

Response to Amendment

1. The after final amendment filed on 6/9/05 has been received and made of record. After reviewing the remarks filed with the amendment, the examiner has re-opened prosecution of this application.
2. As requested, claims 4 and 34 have been amended. Claims 1-7, 10-34 and 36-41 are pending in the instant application. Claims 10-24 and 36-40 are withdrawn.

Allowable Subject Matter

3. The indicated allowability of claims 25-33 and 41 and the indication that claim 5 contains allowable subject matter is withdrawn in view of the newly discovered reference(s) to Session et al. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 34 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had

possession of the claimed invention. More specifically, the introduction of "and including adhesive contacting the overlapping portions" into claim 34 invokes new matter since the applicant has not provided support in the original specification or claims for this limitation.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1-5 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,043,406 ("Sessions et al.").

As regards claim 1, Sessions et al. substantially disclose applicant's presently claimed invention. More specifically, Sessions et al. disclose a medical adhesive dressing comprising: a polymeric film (14), an adhesive coated surface (28) comprising a first adhesive coated on a first side of said polymeric film, a release liner (carrier 18) covering the adhesive coated surface of said polymeric film and extending beyond at

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least a first edge of said polymeric film (see Fig. 3), a handle (cover sheet 16) adhered to a second non-adhesive side of the polymeric film with an adhesive (col. 4, lines 17-27), with a portion of said handle projecting beyond said first edge of said polymeric film and overlying said release liner (see Fig. 3), said first adhesive on said first side of said polymeric film adhering more aggressively to skin than said adhesive adheres to said polymeric film, whereby said handle can be removed from said polymeric film once said polymeric film is adhered to a patient's skin (see Fig. 5, the abstract, col. 2, lines 52-57 and col. 6, lines 45-59).

Sessions et al. fail to teach that the adhesive on cover sheet (sheet), which forms a handle, is a pressure sensitive adhesive. Absent a critical teaching and/or a showing of unexpected results derived from using a pressure sensitive adhesive on the handle, the examiner contends that any adhesive can be used to secure the handle to the polymeric film.

Moreover, Sessions et al. is silent as to the criticality of the type of adhesive used to secure the cover sheet, which forms the handle, to the film. Thus, it would have been an obvious design choice to one having ordinary skill in the art to use a pressure sensitive adhesive or any other type of adhesive to secure the cover sheet of Sessions et al. to the film. Additionally it appears that the device of Sessions et al. would perform equally well with a pressure sensitive adhesive used to secure the cover sheet to the film layer.

As regards claim 2, as can be read from col. 2, lines 22-28, Sessions et al. discloses the use of a polyurethane film.

As regards claim 3, as can be read from col. 3, lines 60-65, Sessions et al. disclose that carrier (18) has a silicone coating.

As regards claim 4, note the rejection of claim 1 above. In further regard to claim 4, Sessions et al. fail to teach that the cover sheet, which forms the handle, has an undersurface entirely coated with pressure sensitive adhesive (psa). It would have been *prima facie* obvious to one having ordinary skill in the art at the time of invention to coat the entire undersurface of the cover sheet with adhesive since it would be easier to coat an entire roll of polymeric film than to only coat a portion of the film during the manufacturing process.

As regards claim 5, as can be seen from Figs. 2, 3 and 5, the psa neither adheres to the carrier sheet (18) nor to the skin.

As regards claim 41, Sessions et al. substantially discloses all features of the claim. More specifically, Sessions et al. disclose a medical adhesive dressing comprising a polymeric film (14); an adhesive coated surface (28) comprising a first adhesive coated on a first side of said polymeric film; a release liner (carrier sheet 18) covering the adhesive coated surface of said polymeric film and extending beyond at least a first edge of said polymeric film (Fig. 3); a handle (cover sheet 16, which forms the handle) adhered to a second non-adhesive side of the polymeric film with an adhesive, with a portion of said handle projecting beyond said first edge of said polymeric film and overlying said release liner (Fig. 3), wherein the handle has an undersurface that is coated with the adhesive (col. 4, line 17-27) and the adhesive does not adhere to the liner and does not adhere to a patient's skin (Figs. 2-5); said first

adhesive on said first side of said polymeric film adhering more aggressively to skin than said pressure sensitive adhesive adheres to said polymeric film, whereby said handle can be removed from said polymeric film once said polymeric film is adhered to a patient's skin (abstract, Fig. 5, col. 2, lines 52-57 and col. 6, lines 45-49).

Sessions et al. fail to teach that the adhesive on cover sheet (sheet), which forms a handle, is a pressure sensitive adhesive. Absent a critical teaching and/or a showing of unexpected results derived from using a pressure sensitive adhesive on the handle, the examiner contends that any adhesive can be used to secure the handle to the polymeric film.

Moreover, Sessions et al. is silent as to the criticality of the type of adhesive used to secure the cover sheet, which forms the handle, to the film. Thus, it would have been an obvious design choice to one having ordinary skill in the art to use a pressure sensitive adhesive or any other type of adhesive to secure the cover sheet of Sessions et al. to the film. Additionally, it appears that the device of Sessions et al. would perform equally well with a pressure sensitive adhesive coated on the cover sheet, which forms the handle.

Sessions et al. also fail to teach that the cover sheet, which forms the handle, has an undersurface entirely coated with pressure sensitive adhesive (psa). It would have been *prima facie* obvious to one having ordinary skill in the art at the time of invention to coat the entire undersurface of the cover sheet with adhesive since it would be easier to coat an entire roll of polymeric film than to only coat a portion of the film during the manufacturing process.

9. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sessions et al. in view of U.S. Patent No. 5,520,629 ("Heinecke et al.").

As regards claims 6, Sessions et al. fail to disclose a u-shaped handle. However, Heinecke et al. disclose an adhesive dressing and a delivery system therefor, wherein the delivery system comprises a u-shaped handle (44) as an alternate means for delivering the adhesive dressing. The handle includes spaced legs adhered to a film along opposite edges thereof, the handle includes a base portion joining the legs and being adhered along a third edge of said polymeric film layer (Fig. 3).

In view of Heinecke et al., it would have been obvious to one having ordinary skill in the art to modify the shape of the handle of Sessions et al. to include a u-shaped handle as an alternate means for delivering the adhesive dressing.

As regards claim 7, note the handling tab, which is integral with the base in Fig. 4 of Heinecke et al.

10. Claims 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sessions et al. in view of U.S. Patent No. 4,753,232 ("Ward").

As regards claims 25 and 29, Sessions et al. substantially disclose the invention as presently claimed. More specifically, Session et al. disclose a medical adhesive dressing comprising at least one handle (cover sheet (16), a layer of thin, polymeric film (14) for adhesion to a patient's skin, and a layer of release liner (carrier sheet 18), which underlies and extends beyond at least one edge of said polymeric film (see Fig.

3); said layer of polymeric film having an undersurface (28) which is coated with a layer of adhesive that adheres firmly to a patient's skin, and adheres releasably to the surface of said release liner (see Fig. 2); said handle including an undersurface which is coated with an adhesive (col. 4, lines 17-27)) which adheres firmly to the top surface of said polymeric film, but which does not adhere to said release liner or to the human skin (Figs. 2, 3 and 5); said handle being secured to the top surface of said polymeric film with a portion of said handle projecting beyond the edge of said polymeric film out over said release liner (Fig. 3), whereby said layer of polymeric film be removed from said release liner by grasping said extending portion of said handle and peeling said film away from said release liner (Fig. 4), and whereby said handle can then be used to handle said polymeric film as it is applied to a patient's skin (Fig. 5); said adhesive on said undersurface of said polymeric film adhering more aggressively with respect to a patient's skin than said adhesive on the undersurface of said handle adheres to said polymeric film, whereby said handle can be removed from said polymeric film once said polymeric film is adhered to a patient's skin (abstract, Fig. 5, col. 2, lines 52-57 and col. 6, lines 45-59).

Sessions et al. fail to teach that the adhesive on cover sheet (sheet), which forms a handle is a pressure sensitive adhesive. Absent a critical teaching and/or a showing of unexpected results derived from using a pressure sensitive adhesive on the handle, the examiner contends that any adhesive can be used to secure the handle to the polymeric film.

Moreover, Sessions et al. is silent as to the criticality of the type of adhesive used to secure the cover sheet, which forms the handle, to the film. Thus, it would have been an obvious design choice to one having ordinary skill in the art to use a pressure sensitive adhesive or any other type of adhesive to secure the cover sheet of Sessions et al. to the film. Additionally it appears that the device of Sessions et al. would perform equally well with a pressure sensitive adhesive used to secure the cover sheet to the film layer.

Sessions et al. further fail to teach that the adhesive that covers the polymeric film is a psa. Absent a critical teaching and/or a showing of unexpected results derived from using a pressure sensitive adhesive on the film of the instant invention, the examiner contends that any adhesive can be used to secure film to the skin.

Additionally, Sessions et al. is silent as to the criticality of the type of adhesive used on the undersurface of the film. Ward, however, discloses a medical adhesive dressing comprising a polymeric film (3) having an acrylate based psa (4) on its undersurface (col. 7, line 52-col. 8, line 7). Thus, in view of Ward and the absence of the criticality of providing the film with a psa, it would have been an obvious design choice to one having ordinary skill in the art to use a psa or any other type of adhesive to secure the film of Sessions et al. to the skin of a user. Additionally it appears that the device of Sessions et al. would perform equally well with a pressure sensitive adhesive used to secure the cover sheet to the film layer.

Regarding claim 26, as can be read from col. 2, lines 22-28, Sessions et al. disclose the use of polyurethane.

Regarding claim 27, as can be read from col. 3, lines 60-65, Sessions et al. disclose that carrier (18) has a silicone coating.

As regards claim 28, Sessions et al. is silent as to the type of adhesive is on the cover sheet, which forms the handle. Ward, however, discloses that it is known to use acrylate based adhesive on the handles of film wound dressings (col. 5, lines 31-53). In view of Ward, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use an acrylate base adhesive on the cover sheet, which form the handle of the dressing of Sessions et al. as an obvious design choice since applicant fails to address the criticality or unexpected results derived from the use of an acrylate based adhesive.

11. Claims 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sessions in view of Ward as applied to claim 29, 30 and 25, respectively above, and further in view of Heinecke.

As regards claims 30 and 32, Sessions et al. fail to disclose a u-shaped handle. However, Heinecke et al. disclose an adhesive dressing and a delivery system therefor, wherein the delivery system comprises a u-shaped handle (44) as an alternate means for delivering the adhesive dressing. The handle includes spaced legs adhered to a film along opposite edges thereof, the handle includes a base portion joining the legs and being adhered along a third edge of said polymeric film layer (Fig. 3).

In view of Heinecke et al., it would have been obvious to one having ordinary skill in the art to modify the shape of the handle of Sessions et al. to include a u-shaped handle as an alternate means for delivering the adhesive dressing.

As regards claims 31, note the handling tab, which is integral with the base in Fig. 4 of Heinecke et al.

Response to Arguments

12. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim M. Lewis whose telephone number is (571) 272-4796. The examiner can normally be reached on Mondays to Thursdays from 5:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A. Bennett, can be reached on (571) 272-4791. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kim M. Lewis
Primary Examiner
Art Unit 3743

kml
October 5, 2005